

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

SESLEY WILLIAMS,

Defendant

Case No.: 2:13-cr-00221-APG-CWH

**Order Denying Motion for Release
Pending Appeal**

[ECF No. 276]

Defendant Sesley Williams filed a *pro se* motion for release pending appeal. ECF No. 276.¹ Upon conviction in this case, her detention became mandatory under 18 U.S.C. § 3143(b)(2). To qualify for release, she must satisfy the conditions in § 3143(b)(1) and “clearly show[] that there are exceptional reasons why [her] detention would not be appropriate.” 18 U.S.C. § 3145(c). Section 3143(b)(1) requires her to show “by clear and convincing evidence that [she] is not likely to flee or pose a danger to the safety of any other person or the community if released,” and that her appeal “raises a substantial question of law or fact likely to result in . . . (i) reversal, (ii) an order for a new trial, [or] (iii) a sentence that does not include a term of imprisonment.” 18 U.S.C. § 3143(b)(1)(A), (B). Ms. Williams has not satisfied these heavy burdens.

Ms. Williams was originally detained as a flight risk and danger to the community. After 18 months of pretrial detention, she was granted release with severe restrictions. Upon conviction, she was immediately remanded to custody. Having now been sentenced to 121 years (effectively a life sentence), she remains a flight risk. She has not shown by clear and

¹ I subsequently appointed counsel for Ms. Williams, and counsel filed a supplement to the motion clarifying the bases for the requested relief. ECF No.

1 convincing evidence that she is not a risk of flight or a danger. Thus, she has not satisfied the
2 requirements of 18 U.S.C. § 3143(b)(1)(A). And while she may have significant arguments on
3 appeal about the mandatory nature of her sentence, her appeal is not likely to result in reversal, a
4 new trial, or a sentence that does not include imprisonment. 18 U.S.C. § 3143(b)(1)(B).

5 Finally, Ms. Williams has not clearly shown exceptional reasons why her detention is
6 inappropriate. 18 U.S.C. § 3145(c). She points to the COVID-19 virus and her risk factors for
7 complications. ECF Nos. 276, 289. No doubt, the COVID-19 virus presents a risk to all
8 incarcerated people. It also presents a risk to citizens who are not incarcerated. While Ms.
9 Williams's health issues may put her at a higher risk, the Bureau of Prisons (BoP) is taking steps
10 to treat and prevent the spread of the virus in its facilities. The fact that there are very few cases
11 of the virus at her facility demonstrates the BoP's ability to isolate and treat prisoners who
12 become infected. Ms. Williams does not present exceptional reasons to justify releasing her
13 pending appeal.

14 I THEREFORE ORDER that defendant Sesley Williams's motion for release pending
15 appeal (**ECF No. 276**) is **denied**.

16 DATED this 16th day of September, 2020.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE